

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Richard William Claxton,)	No. CV 11-1266-PHX-GMS (ECV)
10 Plaintiff,)	ORDER
11 vs.)	
12)	
13 Charles L. Ryan, et al.,)	
14 Defendants.)	
15)	

16 Plaintiff Richard Claxton and four other inmates, who are confined in the Arizona
17 State Prison Complex-Yuma, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C.
18 § 1983. In an June 27, 2011 Order, the Court the severed the action into individual cases.
19 See Doc. 11 in CIV 11-934-PHX-GMS (ECV). Plaintiff has not paid the \$350.00 civil action
20 filing fee or filed a proper Application to Proceed *In Forma Pauperis*. The Court will give
21 Plaintiff 30 days to pay the fee or file a completed Application to Proceed *In Forma*
22 *Pauperis*.

23 **I. Payment of Filing Fee**

24 When bringing an action, a prisoner must either pay the \$350.00 filing fee in a lump
25 sum or, if granted the privilege of proceeding *in forma pauperis*, pay the fee incrementally
26 as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires
27 an affidavit of indigence and a *certified* copy of the inmate's trust account statement for the
28

1 six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must
2 submit statements from each institution where he was confined during the six-month period.
3 Id. To assist prisoners in meeting these requirements, the Court requires use of a form
4 application. LRCiv 3.4(a).

5 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an
6 initial partial filing fee of 20% of either the average monthly deposits or the average monthly
7 balance in Plaintiff's account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial
8 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The
9 balance of the fee will be collected in monthly payments of 20% of the preceding month's
10 income credited to an inmate's account, each time the amount in the account exceeds \$10.00.
11 28 U.S.C. § 1915(b)(2).

12 **II. Failure to Comply With Statute**

13 Plaintiff has not paid the filing fee or submitted an Application to Proceed *In Forma*
14 *Pauperis* and certified six-month trust account statement. Plaintiff will be permitted 30 days
15 to either pay the \$350.00 filing fee or file a complete Application to Proceed *In Forma*
16 *Pauperis* and certified six-month trust account statement.

17 The Arizona Department of Corrections ("ADOC") has notified the Court that a
18 certified trust fund account statement showing deposits and average monthly balances is
19 available from the ADOC's Central Office. *Accordingly, Plaintiff must obtain the certified*
20 *copy of his ADOC trust fund account statement for the six months immediately preceding the*
21 *filing of the Complaint from the ADOC's Central Office.*

22 **III. Warnings**

23 **A. Address Changes**

24 Plaintiff must file and serve a notice of a change of address in accordance with Rule
25 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
26 relief with a notice of change of address. Failure to comply may result in dismissal of this
27 action.

28 . . .

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4

5

6
7
8
9

10

11
12
13

14
15
16

17
18

19

20
21
22